

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/11/2025
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JUAN MURUDUMBAY,

Plaintiff,

-v-

29 STREET STONE INC., et al,

Defendants.
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25-cv-02610 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff Juan Murudumbay (“Plaintiff”) moves, pursuant to Federal Rules of Civil Procedure 36(a)(6) and 37(a),¹ for an order compelling responses to Plaintiff’s document demands, interrogatories, and requests for admission. Dkt. No. 36. No response has been received. The motion is granted in part and denied in part.

Defendants’ responses to Requests for Admission (“RFA”) Nos. 1, 7, 9, 15–17, 24, 27, and 29 are deficient. In response to each of those RFAs, Defendant responds, “denied upon information and belief.” Dkt. No. 36-2. Rule 36 requires the party responding to a request for admission to either admit the request or, if not, to “specifically deny it or state in detail why the answering party cannot truthfully admit or deny it.” Fed. R. Civ. P. 36(a)(4). “If a party fails to admit what is requested under Rule 36 and if the requesting party later proves . . . the matter true, the requesting party may move that the party who failed to admit pay the reasonable expenses, including attorney’s fees, incurred in making that proof.” Fed. R. Civ. P. 37(c)(2). It is not an

¹ Although Plaintiff does not designate a particular rule pursuant to which he is moving, Rule 36(a)(6) governs motions regarding the sufficiency of an answer to a request to admit and Rule 37(a) addresses motions to compel responses to discovery.

option for a party to “deny upon information and belief.” The Court has the authority to require that an amended answer be served. *See* Fed. R. Civ. P. 36(a)(6). Defendants shall serve amended answers to RFA Nos. 1, 7, 9, 15–17, 24, 27, and 29 by no later than August 15, 2025.

Plaintiff’s motion with respect to RFA No. 30 is denied. The appropriate remedy if Defendants have denied what should be admitted is a motion for sanctions later in the case under Rule 37(c)(2).

Defendants’ responses to Plaintiff’s document request are also deficient. Rule 34(b)(2) requires the responding party to “either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request.” Fed. R. Civ. P. 34(b)(2)(B). Defendants shall serve a proper response to the document request by no later than August 15, 2025, on pain that in the absence of a proper and timely response, Defendants shall be ordered to produce all documents requested. Plaintiff’s requests for particular relief as to particular requests is denied without prejudice to renewal after service of a proper response to the request for documents (or the failure to timely serve a proper response). Any renewed motion shall identify each specific request for production alleged to be deficient.

Finally, Defendants’ response to Plaintiff’s Interrogatory No. 1 violates Rule 33.

Interrogatory No. 1 asks Defendant to:

Identify all individuals known who Defendants know or believe have knowledge of facts or information relevant to the subject matter of the Action, including but not limited to Plaintiff’s work schedule, hours worked, compensation, and any complaints made by Plaintiff regarding unpaid wages or overtime. For each individual, provide his/her name and contact information.

Dkt. No. 36-1. Defendants’ response is “Various employees of the defendant 29 Street Stone, Inc., including but not limited to [the individual defendant]. All such employees may be

contacted only through the undersigned.” Dkt. No. 36-2 at 7.² Defendants shall provide the names of all persons responsive to the first interrogatory with the other requested information no later than August 15, 2025. The answer shall be signed as required by Rule 33(b)(5).

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 36.

SO ORDERED.

Dated: August 11, 2025
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

² Defendants made no objection to the interrogatory.